

JS-6

THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LIFTED RESEARCH GROUP, INC.,
a California corporation

Plaintiff,

v.

PLANET MARS, LLC d/b/a
PLANET MARS d/b/a PLANET
MARS IRVINE; MARSHON
BURTON BARNETT d/b/a
PLANET MARS d/b/a PLANET
MARS IRVINE; and DOES 1-10,

Defendants.

Case No. SACV08-1043-DOC(MLGx)
(Complaint filed: September 17, 2008)

PERMANENT INJUNCTION

DATE: July 13, 2009
TIME: 8:30 a.m.
PLACE: Courtroom 9D

The Honorable David O. Carter

THIS CAUSE having come before the Court on Plaintiff, Lifted Research Group, Inc.'s ("LRG") motion for a final default judgment of its claims against Defendants Planet Mars, LLC, a California limited liability company, d/b/a Planet Mars d/b/a Planet Mars Irvine and Marshon Burton Barnett d/b/a Planet Mars d/b/a Planet Mars Irvine (collectively the "Defendants"), the Court having granted the Motion, it is hereby:

ORDER AND ADJUDGED that Defendants Planet Mars, LLC and Marshon Burton Barnett, and their respective officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby restrained and enjoined from:

1 (a) manufacturing or causing to be manufactured, importing, advertising,
2 or promoting, distributing, selling or offering to sell counterfeit and infringing
3 goods using the LRG Marks and/or the work protected by the LRG Copyright;

4 (b) using the LRG Marks and/or the work protected by the LRG Copyright
5 in connection with the sale of any unauthorized goods;

6 (c) using any logo, and/or layout which may be calculated to falsely
7 advertise the services or products of Planet Mars, LLC, Marshon Burton Barnett,
8 Planet Mars, Planet Mars Irvine and/or any other business, as being sponsored by,
9 authorized by, endorsed by, or in any way associated with LRG;

10 (d) falsely representing themselves as being connected with LRG, through
11 sponsorship or association;

12 (e) engaging in any act which is likely to falsely cause members of the
13 trade and/or of the purchasing public to believe any goods or services of Planet
14 Mars, LLC, Marshon Burton Barnett, Planet Mars, Planet Mars Irvine and/or any
15 other business, are in any way endorsed by, approved by, and/or associated with
16 LRG;

17 (f) using any reproduction, counterfeit, copy, or colorable imitation of the
18 LRG Marks and/or the work protected by the LRG Copyright in connection with
19 the publicity, promotion, sale, or advertising of any goods sold by Planet Mars,
20 LLC, Marshon Burton Barnett, Planet Mars, Planet Mars Irvine and/or any other
21 business, including, without limitation, jeans;

22 (g) affixing, applying, annexing or using in connection with the sale of
23 any goods, a false description or representation, including words or other symbols
24 tending to falsely describe or represent goods by Planet Mars, LLC, Marshon
25 Burton Barnett, Planet Mars, Planet Mars Irvine and/or any other business, as being
26 those of LRG, or in any way endorsed by LRG;

(h) offering such goods in commerce;

(i) otherwise unfairly competing with LRG;

1 (j) secreting, destroying, altering, removing, or otherwise dealing with the
2 unauthorized products or any books or records which contain any information
3 relating to the importing, manufacturing, producing, distributing, circulating,
4 selling, marketing, offering for sale, advertising, promoting, renting or displaying
5 of all unauthorized products which infringe the LRG Marks and/or the work
6 protected by the LRG Copyright; and

7 (k) effecting assignments or transfers, forming new entities or associations
8 or utilizing any other device for the purpose of circumventing or otherwise avoiding
9 the prohibitions set forth above.

10 IT IS SO ORDERED.

11 Dated: July 13, 2009



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13 Honorable David O. Carter
14 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action, and my business address is Berry & Lussier (the "business"), 2049 Century Park East, Suite 950, Los Angeles, California 90067.

On July 14, 2009, I caused the following document to be served: **[PROPOSED] PERMANENT INJUNCTION** in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Marshon Burton Barnett
d/b/a Planet Mars, d/b/a Planet Mars Irvine
7101 Payton
Irvine, CA 92620

Planet Mars, LLC d/b/a Planet Mars d/b/a
Planet Mars Irvine
c/o California Secretary of State
1500 11th Street
Sacramento, CA 95814

X **BY REGULAR U.S. MAIL:** I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at Los Angeles, California.

— **BY FEDERAL EXPRESS OVERNIGHT DELIVERY OR OTHER EXPRESS OVERNIGHT SERVICE:** I declare that the foregoing described document(s) was(were) deposited on the date indicated below in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served, at the address as last given by that person on any document filed in the cause and served on this office.

— **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the above address(es).

— **(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

X **(Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 14, 2009, at Los Angeles, California.

/s/ Deborah K. Diederich
Deborah K. Diederich